REMARKS

35 U.S.C. § 102 Rejection of Claim

In the 6 January 2004 office action, claims 1 through 99 are rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 6,092,056 by Tull et al (hereinafter, Tull). MPEP § 2131 provides that:

"A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference."

The Applicant traverses all U.S.C. § 102 (b) rejections by noting that Tull fails to disclose elements cited in each of the claims 1 through 99 in the instant application as detailed in the Table below.

Claim	Traversal includes*:
1. (amended) A computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers that have been connected via a network to perform an organization performance method, comprising: integrating data from a variety of sources in accordance with a common schema, and using at least a portion of the integrated data to create one or more tools for managing organization financial performance.	1a) Tull does not disclose integration of data in accordance with a common schema, and 1b) Tull discloses a method and system for implementing and controlling a financial instrument and for administering an investment group of such instruments not an organization
2. (amended) The computer readable medium of claim 1 where the method further comprises making the one or more tools available for review.	2) See 1a and 1b
3. (amended) The computer readable medium of claim 2 where the one or more tools are made available for review using an electronic display, a paper document or combinations thereof.	3) See 1a and 1b

4. (amended) The computer readable medium of claim 1 where data is obtained from advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof.	4a) see 1a 4b) Tull does not describe the use of data from any internal organization systems
5. (amended) The computer readable medium of claim 1 where the data includes historical data, forecast data and combinations thereof.	5) see 1a
6. (new) The computer readable medium of claim 1 where the data includes transaction data, descriptive data, geospatial data, text data, linkage data and combinations thereof.	6) Tull does not describe or imply the use of geospatial data, linkage data
7. (new) The computer readable medium of claim 1 where an organization is a single product, a group of products, a division, an entire company, a multi company corporation or a value chain.	7) see 1b
8. (new) The computer readable medium of claim 1 where the organization is a client.	8) see 1b
9. (new) The computer readable medium	9) see 1a

of claim 1 where the common schema defines common attributes from the group consisting of data structure, organization designation, metadata standard and data dictionary.	
10. (new) The computer readable medium of claim 9 where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, market value factors, organization designations, risks, time periods and units of measure.	10) see 1a
11. (new) The computer readable medium of claim 9 where the data structure is a hierarchy.	11) see 1a
12. (new) The computer readable medium of claim 9 where the metadata standard is XML, Microsoft OIS or the Metadata Coalition specification.	12) see 1a
13. (new) The computer readable medium of claim 1 where the one or more tools for organization management include analytical models, an organization ontology, management reports, performance information, lists of changes that will optimize one or more aspects of organization financial performance, a system for automated equity trading, a system for automated purchase of risk transfer and combinations thereof.	13) see 1b
14. (new) The computer readable medium of claim 1 where analytical models include component of value models, market value models, network models, optimization models, simulation models and combinations thereof.	14) see 1b
15. (new) The computer readable medium of claim 14 where the component of value models quantify the impact of one or more elements of value and one or more market value factors on revenue, expense or	15) see 1b

capital change by enterprise.	
16. (new) The computer readable medium of claim 14 where the elements of value are.	16) see 1b
17. (new) The computer readable medium of claim 14 where the market value factors are.	17) see 1b
18. (new) The computer readable medium of claim 14 where the component of value models are causal predictive models.	18a) see 1b 18b) Tull does not disclose component of value models
19. (new) The computer readable medium of claim 14 where element value drivers, composite variables or vectors are used as inputs to the component of value models.	19a) see 1b 19b) Tull does not disclose element value drivers
20. (new) The computer readable medium of claim 14 where the weightings of the best fit component of value models are used to quantify the impact of each element of value and market value factor on each component of value.	20a) see 1b 20b) Tull does not disclose component of value models
21. (new) The computer readable medium of claim 14 where the component of value models are selected from the group consisting of neural net; regression; generalized additive; multivalent, support vector, entropy minimization, Markov, Bayesian, minimum message length (MML) and path analysis models.	21a) see 1b 21b) Tull does not disclose component of value models
22. (new) The computer readable medium of claim 14 where the market value model quantifies the relationship between organization market value and the combination of the current operation, real option and market sentiment values for the organization by enterprise.	22a) see 1b 22b) Tull does not disclose models that relate organization market value and the categories of value
23. (new) The computer readable medium of claim 22 where market value models forecast future organization market value.	23) see 1b
24. (new) The computer readable medium of claim 23 where the future market value of enterprise equity is forecast by removing the forecast value of	24) see 1b

organization debt from the forecast of future organization market value.	
25. (new) The computer readable medium of claim 14 where network models are enterprise network models or organization network models.	25a) see 1b 25b) Tull does not disclose network models
26. (new) The computer readable medium of claim 14 where network models are neural nets.	26a) see 1b 26b) Tull does not disclose network models
27. (new) The computer readable medium of claim 25 where enterprise network models quantify the interrelationship between each element of value, enterprise market value factors, the other enterprise elements of value and one or more aspects of enterprise financial performance or the interrelationship between each market value factor, enterprise elements of value, the other enterprise market value factors and one or more aspects of enterprise financial performance.	27a) see 1b 27b) Tull does not disclose network models
28. (new) The computer readable medium of claim 27 wherein the number of input nodes for an enterprise network model is a function of the number of active enterprise elements of value, the number of market value factors and the level of interaction between the elements and factors.	28a) see 1b 28b) Tull does not disclose network models
29. (new) The computer readable medium of claim 27 wherein the number of input nodes for an enterprise network model equals one plus the number of active elements of value and market value factors when composite variables are used to summarize the impact of all active elements of value and market value factors.	29a) see 1b 29b) Tull does not disclose network models
30. (new) The computer readable medium of claim 27 wherein the number of input nodes for the enterprise network model equals one plus the number of element	30a) see 1b 30b) Tull does not disclose network models

value drivers and factor value drivers when composite variables are not used to summarize the impact of any active elements of value or market value factors.	
31. (new) The computer readable medium of claim 27 where the number of input nodes in an enterprise network model is between one plus the number of active elements of value and market value factors and one plus the number of active element value drivers and factor value drivers.	31a) see 1b 31b) Tull does not disclose network models
32. (new) The computer readable medium of claim 27 where the active elements of value are alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof.	32a) see 1b 32b) Tull does not disclose active elements of value
33. (new) The computer readable medium of claim 27 where the one or more aspects of enterprise financial performance are revenue, expense, capital change, market value and combinations thereof.	33a) see 1b 33b)Tull does not disclose analyzing aspects of enterprise financial performance
34. (new) The computer readable medium of claim 27 where market value factors are commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof.	34) see 1b
36. (new) The computer readable medium of claim 25 where organization network models quantify the interrelationship between each enterprise, the other enterprises within the organization and one or more aspects of organization financial performance.	36a) see 1b 36b) Tull does not disclose network models
37. (new) The computer readable medium of claim 36 where the one or more aspects	37) see 1b

of enterprise financial performance are revenue, expense, capital change, market value and combinations thereof.	
38. (new) The computer readable medium of claim 36 wherein the number of input nodes for the organization network model equals one plus the number of enterprises within the organization.	38a) see 1b 38b) Tull does not disclose network models
39. (new) The computer readable medium of claim 36 where an enterprise is a single product, a group of products, a division or an entire company.	39) see 1b
40. (new) The computer readable medium of claim 25 where the number of hidden nodes in a network model equals one plus the number of input nodes.	40a) see 1b 40b) Tull does not disclose network models
41. (new) The computer readable medium of claim 14 where the optimization models identify changes that will optimize one or more aspects of organization financial performance.	41) see 1b
42. (new) The computer readable medium of claim 41 where the one or more aspects of organization financial performance are organization revenue, organization expense, organization capital change, organization current operation value, organization real option value, organization risk, organization market value and combinations thereof.	42) see 1b
43. (new) The computer readable medium of claim 41 where the identified changes are changes to are changes to alliance value drivers, brand value drivers, channel value drivers, customer value drivers, customer relationship value drivers, employee value drivers, equipment value drivers, intellectual property value drivers, partnership value drivers, process value drivers, production equipment value drivers, vendor value drivers, vendor relationship value drivers, sales of	43a) see 1b 43b) Tull does not disclose changes to value drivers

organization equity, purchases of organization equity, risk transfer purchases or combinations thereof.	
44. (new) The computer readable medium of claim 41 where a Monte Carlo model is used to identify the changes that will optimize an aspect of organization financial performance	44a) see 1b 44b) Tull does not disclose optimizing aspects of organization financial performance
45. (new) The computer readable medium of claim 41 where genetic algorithms or multi-criteria optimization models are used to identify the changes that will optimize two or more aspects of organization financial performance	45a) see 1b 45b) Tull does not disclose optimizing aspects of organization financial performance
46. (new) The computer readable medium of claim 14 where the simulation models forecast the net impact of the proposed changes on one or more aspects of organization financial performance.	46) see 1b
47. (new) The computer readable medium of claim 46 where the net impact on one or more aspects of financial performance is the impact of the change on the one or more aspects of financial performance net of any impact on other elements of value.	47) see 1b
48. (new) The computer readable medium of claim 46 where the simulation model is a Monte Carlo model.	48a) see 1b 48b) Tull does not disclose Monte Carlo simulation
49. (new) The computer readable medium of claim 46 where the proposed changes are changes to are changes to alliance value drivers, brand value drivers, channel value drivers, customer value drivers, customer relationship value drivers, employee value drivers, equipment value drivers, intellectual property value drivers, partnership value drivers, process value drivers, production equipment value drivers, vendor value drivers, vendor relationship value drivers, sales of organization equity, purchases of organization equity, risk transfer	49a) see 1b 49b) Tull does not disclose changes to value drivers

purchases or combinations thereof.	
50. (new) The computer readable medium of claim 13 where the management reports detail the current organization value, the current organization risk, prior organization value, prior organization risk, future organization value, future organization risk, the change in organization value over time, the change in organization risk over time and combinations thereof.	50) see 1b
51. (new) The computer readable medium of claim 13 where the management reports use the Value Map® Format.	51) see 1b 51b) Tull does not disclose the Value Map Format
52. (new) The computer readable medium of claim 13 where the management reports detail organization value and changes in organization value by element of value, risk and real option.	52) see 1b
53. (new) The computer readable medium of claim 52 where the elements of value are alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof.	53a) see 1b 53b) Tull does not disclose elements of value
54. (new) The computer readable medium of claim 52 where the risks are fire risks, earthquake risks, flood risks, weather risks, contingent liabilities and combinations thereof.	54a) see 1b 54b) Tull does not disclose fire risks, earthquake risks, flood risks, weather risks, contingent liabilities and combinations thereof
55. (new) The computer readable medium of claim 13 where performance information includes component valuations, current operation valuations, element composite variables, factor composite variables, element performance indicators, factor performance indicators, element relative contributions, factor relative contributions, element valuations, factor valuations, element value drivers, factor value drivers, enterprise valuations, option discount	55a) see 1b 55b) Tull does not disclose organization performance information

rates, real option valuations, relative element strength, risk quantifications and combinations thereof.	
56. (new) The computer readable medium of claim 55 where performance information is developed for one or more specified points in time within a sequential series of points in time.	56a) see 1b 56b) Tull does not disclose organization performance information
57. (new) The computer readable medium of claim 55 where changes in performance information are tracked over time.	57a) see 1b 57b) Tull does not disclose organization performance information
58. (new) The computer readable medium of claim 55 where valuations are completed using the organization cost of capital.	58) see 1b
59. (new) The computer readable medium of claim 55 where valuations quantify net impact on organization financial performance.	59) see 1b
60. (new) The computer readable medium of claim 55 where elements are alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof.	60a) see 1b 60b) Tull does not disclose elements of value
61. (new) The computer readable medium of claim 55 where factors are commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof.	61) see 1b
62. (new) The computer readable medium of claim 55 where the risks are fire risks, earthquake risks, flood risks, weather risks, contingent liabilities and combinations thereof.	62a) see 1b 62b) Tull does not disclose fire risks, earthquake risks, flood risks, weather risks, contingent liabilities and combinations thereof.
63. (new) The computer readable medium of claim 55 where factor performance	63) see 1b

indicators quantify factor impact on one or more aspects of enterprise financial performance.	
64. (new) The computer readable medium of claim 55 where factor performance indicators are selected from the group consisting of factor variables and averages, patterns, ratios, summaries, trends, totals, rolling averages, rolling totals, time lagged data, time lagged ratios, time lagged trends, time lagged summaries and time lagged trends derived from factor variables.	64a) see 1b 64b) Tull does not disclose factor performance indicators
65. (new) The computer readable medium of claim 64 where factor variables are the numeric and date data associated with a market value factor.	65) see 1b
66. (new) The computer readable medium of claim 65 wherein item variable data is obtained from advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof.	66a) see 1a 66b) Tull does not disclose the use of item variable data
67. (new) The computer readable medium of claim 55 where factor value drivers are	67a) see 1b 67b) Tull does not disclose factor value

factor performance indicators that are causal to changes in one or more aspects of enterprise financial performance.	drivers
68. (new) The computer readable medium of claim 55 where factor relative contributions quantify relative factor impacts on an aspect of organization financial performance by enterprise.	68a) see 1b 68b) Tull does not disclose factor relative contributions
69. (new) The computer readable medium of claim 68 where the factor impact on an aspect of organization financial performance is the impact on the aspect of organization financial performance net of any impact on other factors and elements of value.	69) see 1b
70. (new) The computer readable medium of claim 55 where factor valuations are the sum of factor contributions to each category of value present in the organization.	70a) see 1b 70b) Tull does not disclose factor valuations
71. (new) The computer readable medium of claim 70 where the categories of value are current operation, real option, market sentiment and combinations thereof.	71a) see 1b 71b) Tull does not disclose categories of value
72. (new) The computer readable medium of claim 55 where the method used for calculating factor valuations is determined in part by the level of interaction between market value factors.	72a) see 1b 72b) Tull does not disclose factor valuations
73. (new) The computer readable medium of claim 55 where organization factor valuations are calculated by summing the factor contribution to each enterprise in the organization.	73a) see 1b 73b) Tull does not disclose factor valuations
74. (amended) The computer readable medium of claim 55 where risks are quantified under a normal scenario, an extreme scenario or combinations thereof.	74) see 1b
75. (amended) The computer readable medium of claim 55 wherein the quantified risk identifies the impact of the risk on the organization by element of value and	75) see 1b

category of value.	
76. (new) The computer readable medium of claim 55 wherein the real option values are determined using dynamic programming, binomial algorithms, neural network algorithms or Black Scholes algorithms.	76a) see 1b 76b) Tull does not disclose real options
77. (new) The computer readable medium of claim 13 where the lists identify changes that will optimize organization revenue, organization expense, organization capital change, organization current operation value, organization market value, organization real option value, organization risk and combinations thereof.	77a) see 1b 77b) Tull does not disclose changes to an operation that will optimize one or more aspects of financial performance
78. (new) The computer readable medium of claim 13 where equity trading is completed when the value of organization market sentiment is negative.	78) Tull does not disclose market sentiment
79. (new) The computer readable medium of claim 13 where equity trading is completed when the value of organization market sentiment is negative.	79) Tull does not disclose market sentiment
80. (new) The computer readable medium of claim 13 where risk transfer purchases include insurance purchases, swaps, derivative purchases and combinations thereof.	80) Tull does not disclose insurance purchases
81. (new) The computer readable medium of claim 13 where the organization ontology defines the components of value, elements of value, enterprises, market value factors, and risks associated with the organization, their inter-relationships and their relationship to different aspects of the organization.	81) Tull does not disclose an organization ontology
82. (new) The computer readable medium of claim 1 that independently learns the relative importance of the different elements of value, market value factors, categories of value and risks in determining organization financial	82a) see 1b 82b) Tull does not disclose a learning application

performance.	
83. (new) A organization network method, comprising: integrating data from a variety of sources in accordance with a common schema, and using at least a portion of the integrated data to create one or more network models.	83a) see 1a 83b) Tull does not disclose network models
84. (new) The method of claim 83 where network models are enterprise network models or organization network models.	84a) see 1a 84b) Tull does not disclose network models
85. (new) The method of claim 83 where network models are neural nets.	85a) see 1a 85b) Tull does not disclose network models
86. (new) The method of claim 84 where enterprise network models quantify the interrelationship between each element of value, enterprise market value factors, the other enterprise elements of value and one or more aspects of enterprise financial performance or the interrelationship between each market value factor, enterprise elements of value, the other enterprise market value factors and one or more aspects of enterprise financial performance.	86a) see 1a 86b) Tull does not disclose network models
87. (new) The method of claim 86 wherein the number of input nodes for an enterprise network model is a function of the number of active enterprise elements of value, the number of market value factors and the level of interaction between the elements and factors.	87a) see 1a 87b) Tull does not disclose network models
88. (new) The method of claim 86 wherein the number of input nodes for an enterprise network model equals one plus the number of active elements of value and market value factors when composite variables are used to summarize the impact of all active elements of value and market value factors.	88a) see 1a 88b) Tull does. not disclose network models

89. (new) The method of claim 86 wherein the number of input nodes for the enterprise network model equals one plus the number of element value drivers and factor value drivers when composite variables are not used to summarize the impact of any active elements of value or market value factors.	89a) see 1a 89b) Tull does not disclose network models
90. (new) The method of claim 86 where the number of input nodes in an enterprise network model is between one plus the number of active elements of value and market value factors and one plus the number of active element value drivers and factor value drivers.	90a) see 1a 90b) Tull does not disclose network models
91. (new) The method of claim 86 where the active elements of value are alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof.	91a) see 1a 91b) Tull does not disclose elements of value
92. (new) The method of claim 86 where the one or more aspects of enterprise financial performance are revenue, expense, capital change, market value and combinations thereof.	92) see 1b
93. (new) The method of claim 86 where market value factors are commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof.	93 a) see 1a 93b) see 1b
94. (new) The method of claim 84 where organization network models quantify the interrelationship between each enterprise, the other enterprises within the organization and one or more aspects of organization financial performance.	94a) see 1a 94b) Tull does not disclose network models

95. (new) The method of claim 94 where the one or more aspects of organization financial performance are revenue, expense, capital change, market value and combinations thereof.	95) see 1b
96. (new) The method of claim 94 wherein the number of input nodes for the organization network model equals one plus the number of enterprises within the organization.	96a) see 1a 96b) Tull does not disclose network models
97. (new) The method of claim 94 where an enterprise is a single product, a group of products, a division or an entire company.	97) see 1b
98. (new) The method of claim 83 where the number of hidden nodes in a network model equals one plus the number of input nodes.	98a) see 1a 98b) Tull does not disclose network models
99. (new) The tools of claim 1 that can be used to automate the management and operation of a risk transfer operation such as an insurance company or risk exchange.	99) Tull does not disclose the management and operation of an insurance company

* traversal of each claim not limited to the items listed in the table
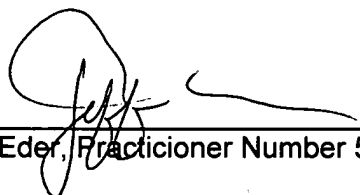
Reservation of Rights

The Applicant hereby explicitly reserves the right to present the cancelled claims for re-examination in their original format. The cancellation of the pending claims to expedite allowance of the instant application is not to be construed as a surrender of subject matters covered by the claims before their cancellation.

Summary

The Applicant respectfully requests consideration of the present application as amended herewith.

Respectfully submitted,

Dated: 3/5/2004

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Jeff S. Eder, Practicioner Number 52,849

Examiner: Clement Graham
Art Unit: 3628